

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2134 – SB 2268

April 2, 2018

**SUMMARY OF ORIGINAL BILL:** Clarifies that the period of advance notice is 30 calendar days, rather than 30 days, which all licensed child-placing agencies and licensed clinical social workers have to inform the Department of Children's Services (DCS) before changing the fees or charges for services provided to adoptive parents.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENTS (015580, 016400):** Amendment 015580 deletes all language after the enacting clause. Beginning July 1, 2018, requires the interest rate on unpaid child support in non-Title IV-D cases to be six percent per year. Authorizes the court to reduce the rate of interest, including no interest, as it deems appropriate under certain circumstances. Beginning July 1, 2018, prohibits interest from accruing on unpaid child support in Title IV-D cases unless the court makes a written finding that interest should still accrue, at which point an interest rate of up to 6 percent per year may be imposed.

Amendment 016400 deletes and adds language to the bill as amended by amendment 015580 to prohibit county clerks from issuing marriage licenses to certain persons. Requires the applicant's parents, guardian, next of kin or authorized representative be present or submit a sworn and notarized affidavit to the county clerk or deputy county clerk stating the applicant is 17 years of age or older and that the applicant has such person's consent to marry. Authorizes emancipated individuals to be married without parental consent. Establishes that an applicant who is under 18 years of age is emancipated after entering into marriage. Deletes the ability of a judge or county mayor to waive age limits for receiving a marriage license. Adds language to require a marriage entered into at any age that is without valid, freely-given consent from both parties to be void and unenforceable. Establishes damages for a claim of forced marriage including liquidated damages of \$250,000, reasonable attorneys' fees and court costs.

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Decrease State Revenue – Exceeds \$400**

**Decrease Local Revenue – Exceeds \$400**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 36-5-101(f)(1), all interest that accumulates on arrearages is considered child support.
- Any fiscal impact will be borne by private parties; therefore, no fiscal impact to state or local government.
- Pursuant to Tenn. Code Ann. § 36-3-105, it is unlawful for any county clerk to issue a marriage license to a person under 16 years of age.
- The proposed language would prohibit county clerks from also issuing marriage licenses to a person who is between 17 and 18 years of age who is marrying someone more than four years older.
- Pursuant to Tenn. Code Ann. § 36-3-107, a county mayor or judge has the authority to waive the age requirement and authorize the county clerk to issue the marriage license.
- The proposed language would remove the ability of a county mayor or judge to waive the age requirement.
- Based on information provided by the Department of Health:
  - From 2012-2017 there were an average of 39 grooms, and 175 brides each year under the age of 18.
  - From 2012-2017 there was an average of 30 grooms and 127 brides who were 17 years of age each year;
  - From 2012-2017 there was a total of 2 grooms and 15 brides under 16 years of age at the time of marriage.
- Pursuant to Tenn. Code Ann. § 8-21-701(1), § 36-6-413(b)(2), § 67-4-411(a), § 67-4-502, and § 67-4-505, various taxes and fees are assessed for the issuance of a marriage license, with a minimum of \$15 remitted to local government and a minimum of \$15 remitted to the state.
- The total of all fees assessed and remitted to the state and local government under current law for individuals under the age of 17 is not expected to exceed \$50 to either state or local government in any fiscal year. As a result, any decrease to state and local government revenue is considered not significant.
- While it is unknown precisely how many marriages occur between persons 17-18 years of age and a person at least four years older, it is reasonably estimated that the proposed language will result in the non-issuance of at least 25 marriage licenses per year; resulting in a recurring decrease in state revenue estimated to exceed \$375 (25 licenses x \$15 minimum) and a recurring decrease in local government revenue estimated to exceed \$375 (25 licenses x \$15 minimum).

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/vlh